

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL HABURSKY,	:	CIVIL DIVISION
	:	
Plaintiff,	:	Case No.: 1:23-cv-307
	:	
v.	:	District Judge Susan Paradise Baxter
	:	
ERIE WATER WORKS,	:	
	:	
Defendant.	:	

STIPULATION SELECTING ADR PROCESS

Counsel report that they have met and conferred regarding Alternative Dispute Resolution (ADR) and have reached the following stipulation pursuant to L.R. 16.2 and the Court's ADR Policies and Procedures.

I. PROCESS

Select one of the following processes:

 X Mediation
 Early Neutral Evaluation (ENE)
 Court sponsored Binding¹ Arbitration
 Court sponsored Non-binding Arbitration
 Other (please identify process and provider) _____

If you are utilizing a private ADR process, such as the American Arbitration Association, be advised that the case is still governed by the Court's ADR Policies and Procedures. It is the responsibility of counsel to ensure that all of the proper forms are timely submitted and filed, as required by Policies and Procedures.

II. COSTS

The parties have agreed to share the ADR costs as follows (do not complete percentages for Court sponsored arbitration. For that process, costs are paid by the Court in accordance with 28 USC §658.):

 50 % by Plaintiff(s)
 50 % by Defendant(s)

¹ For binding arbitration, please complete form "Stipulation to Binding Arbitration" located on the Court's website at www.pawd.uscourts.gov

_____ % by Third Party Defendant(s)

If a dispute arises as to compensation and costs for the mediator/neutral evaluator/private arbitrator, the Court will set reasonable compensation and costs.

III. NEUTRAL

The parties hereby designate by agreement the following individual to serve as a Neutral in the above-styled action:

Name of Neutral: Craig Murphey

Address of Neutral: 2525 W 26th Street, Erie, PA 16506

Telephone & FAX Numbers: (814) 402-8826

Email address of Neutral: craig@purchasegeorge.com

Date of ADR Session: **February 1, 2024, at 9:00AM via Teams**

The parties represent that they have contacted the selected prospective neutral and have determined that the neutral is available to conduct the ADR session within the time prescribed by the Court's Policies and Procedures and that the neutral does not have a conflict.

IV. PARTICIPANTS

Name and title of the individual(s) who will be attending the mediation or early neutral evaluation session, **in addition to counsel**, in accordance with **Section 2.7 (Attendance at Session)** of the Court's ADR Policies and Procedures:

For Plaintiff:

- Michael Habursky, Plaintiff
- Timothy McNair, McNair Law Offices

For Defendant:

- Jill M. Lashay, Buchanan Ingersoll & Rooney PC
- Amanda M. Scarpo, Buchanan Ingersoll & Rooney PC
- Ronald Costantini, Senior Manager, Administration, Erie Water Works
- Adriane Price, Zurich Insurance

If there is insufficient space to list all parties who will be attending the session, please add additional sheets as necessary.

Each party certifies that the representative(s) attending the ADR session on its behalf has full and complete settlement authority, **as specified in sub-section (A)(1-3) of the above section of the Court's ADR Policies and Procedures.**

V. ACKNOWLEDGMENT

We, the undersigned parties to this action, declare that this stipulation is both consensual and mutual.

/s/ Timothy McNair

Timothy McNair (PA [insert number])

tmcnair@mcnairlaw.com

821 State Street

Erie, PA 16501

Telephone: (814) 452-0700

Fax: (814) 454-2371

Counsel for Plaintiff

/s/ Amanda M. Scarpo

Amanda M. Scarpo (PA 318596)

amanda.scarpo@bipc.com

BUCHANAN INGERSOLL & ROONEY PC

Union Trust Building

501 Grant St., Suite 200

Pittsburgh, PA 15219

Telephone: 412-562-8800

Fax: 412-562-1041

Jill M. Lashay (PA 79985)

jill.lashay@bipc.com

BUCHANAN INGERSOLL & ROONEY PC

409 North Second Street

Harrisburg, PA 17101-1357

Telephone: (717) 237-4800

Fax: (717) 233-0852

Counsel for Defendant